

Rejoinder

1. **Claim 25 is allowable.** Claim 25, previously withdrawn from consideration as a result of a restriction requirement, requires all the limitations of an allowable claim.

Pursuant to the procedures set forth in MPEP § 821.04(a), **the restriction requirement between inventions (species) 1 and 2, as set forth in the Office action mailed on May 14 2008, is hereby withdrawn** and claim 25 is hereby rejoined and fully examined for patentability under 37 CFR 1.104. In view of the withdrawal of the restriction requirement, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Allowable Subject Matter

2. **Claims 1, 3 – 5, 7, 9 – 11, 25, 29 – 30 are allowed.**

The following is an examiner's statement of reasons for allowance:

First, the instant application claims "...the organic-inorganic composite film is a single-layer film and an outermost layer...". These limitations are not obvious over the prior art. Mennig et al. disclose a multi-layered coating comprising nano-sized particles in the topcoat and a siloxane polymer in the basecoat. It would have been obvious to

one of ordinary skill in the art at the time of the invention, based upon the teachings of Mennig et al. for the single basecoat layer to be the outermost layer.

Second, the instant application claims "...wherein the organic-inorganic composite film contains a network structure of silica in a form of siloxane polymer as the inorganic oxide, the organic-inorganic composite film contains the silica as its main component..." Mennig et al. disclose the siloxane polymers (silica) present in the basecoat of their invention is at most 20 mol % (Col. 3, Lines 14 - 16). Therefore, based upon the teachings of Mennig et al., it would not have been obvious to one of ordinary skill in the art at the time of Applicant's invention for silica (greater than 50% to be the main component of the coating.

In regard to independent claim 30, Mennig et al. fail to disclose a phosphate ester surfactant in their coating. The closest prior art is that of Mackey (U.S. 3,725,079), whom teaches the use of phosphate ester surfactants in water-permeable coatings applied to photographs. Mennig et al. teach a water-resistant abrasive-resistant coating. Therefore, it would not have been obvious to one of ordinary skill in the art to add a surfactant used for water-permeable coatings to a water-resistant coating, such as disclosed by Mennig et al.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NICOLE T. GUGLIOTTA whose telephone number is (571)270-1552. The examiner can normally be reached on M - F 8:30 a.m. - 6 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Sample can be reached on 571-272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NICOLE T GUGLIOTTA/
Examiner, Art Unit 1783